

REMARKS

Claims 1, 7, 11, 25, 43, 49, and 50 are amended herein. Claims 1, 25, 43 and 49 are amended to incorporate the limitations of canceled claim 6. Claims 7 and 11 are amended to correct dependency. Claim 25 is amended to incorporate the limitations of canceled claim 13. Support for the amendment of claims 49 and 50 can be found in the specification at page 24, line 25 through page 25, line 8.

Claims 6 and 44-48 are canceled herein without prejudice to renewal. Claims 13-24 and 26-42 were previously canceled. Following entry of this amendment claims 1-5, 7-12, 25, 43 and 49-50 are pending.

No new matter is added by any of the foregoing amendments. Reconsideration of the subject application is respectfully requested.

Formalities from Office Action

Applicants acknowledge that the election of Group I (claims 1-12, 25, and 43, 49 and 50) was made final.

Claim Objections

Claim 25 is objected to because it depends from a canceled claim (claim 13). Claim 25 is amended to incorporate the limitations of canceled claim 13. Applicants believe that this amendment overcomes the objection to claim 25. Reconsideration and withdrawal of the objection are respectfully requested.

Rejections Under 35 U.S.C §112, first paragraph

a) Claims 1-12, 25, and 43, 49 and 50

Claims 1-12, 25, and 43, 49 and 50 are rejected because allegedly the specification, while enabling for obtaining “an isolated mammalian c-kit-/c-met- cardiomyocyte precursor cell from skeletal muscle cells having the size of 3-10 mm and c-kit-/c-met-, does not reasonably provide enablement for obtaining an isolated mammalian c-kit-/c-met- cardiomyocyte precursor cell from any cell of muscular origin or any size of the skeletal muscle cells.” Applicants believe that “3-

10 mm” is a typographical error and that “3-10 μ m” was intended. Claim 6 is canceled rendering moot the rejection of this claim.

Applicants respectfully disagree with this rejection. However, solely to advance prosecution, independent claims 1, 43 and 49 are amended to recite that the mammalian c-kit-/c-met- cardiomyocyte precursor cell from skeletal muscle has a diameter between about 3 μ m and 10 μ m. Claims 2-5 and 7-12 depend, directly or indirectly, from claim 1. Applicants believe that this amendment overcomes the rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

b) Claim 49

Claim 49 is rejected because allegedly the specification fails to teach how a population of mammalian c-kit-/c-met- cardiomyocyte precursor cells of muscular origin promote the differentiation of a cardiomyocyte. Applicants respectfully disagree with this rejection. For example, the specification at page 24, line 25 through page 26, line 3 clearly teaches how to differentiate mammalian c-kit-/c-met- cardiomyocyte precursor cells of muscular origin into cardiomyocytes. However, solely to advance prosecution, claim 49 is amended to be directed to a kit including a container containing a purified population of mammalian c-kit-/c-met- cardiomyocyte precursor cells of skeletal muscle origin, wherein the cardiomyocyte precursor cells are between about 3 μ m and 10 μ m in diameter, and instructions for growth or differentiation of the cardiomyocyte precursor cells. Applicants submit that this amendment overcomes the rejection. Reconsideration and withdrawal of the rejection of claim 49 is respectfully requested.

Prior Art

Applicants thank the Examiner for acknowledging that claims 1-12, 25, 43, 49 and 50 are free of the prior art of record.

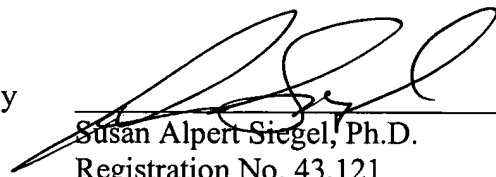
CONCLUSIONS

Based on the foregoing, the claims are in condition for allowance and notification to this effect is requested. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone Applicants' undersigned representative at (503) 226-7391.

Respectfully submitted,

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